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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,348	04/14/2000	Anand Rangarajan	P3919	8679

24739 7590 06/28/2010

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EXAMINER	
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ART UNIT	PAPER NUMBER
2178	

NOTIFICATION DATE	DELIVERY MODE
06/28/2010	ELECTRONIC

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANAND RANGARAJAN, JI HOON LEE, SUMAN KUMAR INALA, RAMAKRISHNA SATYAVOLU, and SREERANGA P. RAJAN

Appeal 2009-004641
Application 09/550,348[1]
Technology Center 2100

Decided: June 24, 2010

Before JOSEPH L. DIXON, LANCE LEONARD BARRY, and JAY P. LUCAS, *Administrative Patent Judges*.

LUCAS, *Administrative Patent Judge*.

DECISION ON APPEAL

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[1] Application filed April 14, 2000, with claims to benefit through various continuations-in-part to December 8, 1998. The real party in interest is Yodlee, Inc.com.

STATEMENT OF THE CASE

Appellants appeal from a final rejection of claims 1 to 17 and 19 under authority of 35 U.S.C. § 134(a). Claim 18 is cancelled (Brief 3). The Board of Patent Appeals and Interferences (BPAI) has jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Appellants' invention relates to a method and apparatus for automatically registering users to Internet sites. In the words of Appellants:

> A method and apparatus is provided for populating and submitting electronic forms by proxy over a data-packet-network. The apparatus comprises a software application running on a system of network-connected servers that enables a user, connected in session with one of the servers, to navigate to a site containing an electronic form and obtain data about the site and about the form. The data obtained is used in conjunction with data about the user to construct a machine readable job order upon user request that may be executed for the purpose of automatic form population and submission to a host sponsoring the site. Upon acceptance of the submitted form, data used for passwords, log-in codes and user-names is returned to a data repository where it is entered along with specific site data as a new registered site item for a registering user such that future navigation to the site, auto log-in and data return may be performed automatically on behalf of the user.

(Spec. 77).

Claim 1 is exemplary:

1. A software application tangibly embodied on a computer-readable medium for populating and submitting interactive forms by proxy, comprising;

a function for finding and capturing data about a site associated with the form and about the form associated with the site;

a function for writing an executable instruction order containing data specific to the site, the associated form, and a requesting user;

a function for navigating to the site and submitting data to a host sponsoring the site using the form associated with the site, the data including at least a request for summarized information pertinent to the user;

a function for returning and recording a portion of the form-submitted data accepted by the host for subsequent use in gaining access to the site;

a function for returning and recording data that is the result of the form submission; and

a function for user notification of data that is the result of the form submission and registration attempt;

characterized in that the instruction order contains all of the required instruction data for navigating to and registering the user to the site, including authentication data for secure login, if required, and further characterized in that the user notification is sent to the user by the software application and includes registration status and authentication data accepted by the hosted site, and

> the summarized information pertinent to the user from the site, including links to or information from alternate sites not solicited by, or registered to by the user.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Jacobs	US 5,611,048	Mar. 11, 1997
Kraft	US 6,084,585	Jul. 04, 2000
Light	US 6,192,380 B1	Feb. 20, 2001
Burson	US 6,405,245 B1	Jun. 11, 2002

REJECTIONS

The Examiner rejects the claims as follows:

R1: Claims 1 to 17 and 19 stand rejected under 35 U.S.C. § 112 para. 1 for being based on a non-enabling disclosure.

R2: Claims 1 to 6, 15, 16, and 19 stand rejected under 35 U.S.C. § 103(a) for being obvious over Light in view of Burson.

R3: Claims 7, 9 to 12, and 14 stand rejected under 35 U.S.C. § 103(a) for being obvious over Light in view of Burson and further in view of Jacobs.

R4: Claims 8, 13, and 17 stand rejected under 35 U.S.C. § 103(a) for being obvious over Light in view of Burson and further in view of Kraft.

We will review the rejections in the order argued, with claim 1 representative. We have only considered those arguments that Appellants actually raised in the Brief. Arguments that Appellants could have made but chose not to make in the Brief have not been considered and are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(vii).

ISSUE

The issue is whether Appellants have shown that the Examiner erred in rejecting the claims under 35 U.S.C. § 112 (para. 1) and 35 U.S.C. § 103(a). The first issue specifically turns on whether the specification supports the limitation "the summarized information … including links to or information from alternate sites not solicited by, or registered to by the user." The second issue turns on whether Burson teaches that same limitation.

FINDINGS OF FACT

The record supports the following findings of fact (FF) by a preponderance of the evidence.

1. Appellants have invented software and system for assisting users to sign onto and collect information from numerous web sites across the Internet (Spec. 12, ll. 13 to 23). The system retains the user's IDs and passwords for convenient signing on to multiple protected sites (Spec. 12, middle).

2. Burson teaches a system for accessing personal information (PI) on-line from across the Internet (Col. 2, l. 3). The system automatically sends to the sites the users' IDs and passwords (Col. 7, l. 37).

PRINCIPLES OF LAW

Appellants have the burden on appeal to the Board to demonstrate error in the Examiner's position. *See In re Kahn*, 441 F.3d 977, 985-86

(Fed. Cir. 2006) ("On appeal to the Board, an applicant can overcome a rejection [under § 103] by showing insufficient evidence of prima facie obviousness or by rebutting the prima facie case with evidence of secondary indicia of nonobviousness." (quoting *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998))).

An analysis of whether the claims under appeal are supported by an enabling disclosure requires a determination of whether that disclosure contained sufficient information regarding the subject matter of the appealed claims as to enable one skilled in the pertinent art to make and use the claimed invention. The test for enablement is whether one skilled in the art could make and use the claimed invention from the disclosure coupled with information known in the art without undue experimentation. *See United States v. Telectronics, Inc.,* 857 F.2d 778, 785 (Fed. Cir. 1988); *In re Stephens*, 529 F.2d 1343, 1345 (CCPA 1976).

ANALYSIS

Arguments with respect to the rejection of claims 1 to 17 & 19 under 35 U.S.C. § 112 (para. 1) [R1]

The Examiner indicates that the final limitation of representative claim 1 is not enabled by the specification (Ans. 4, top).

Representative claim 1 states that the software application comprises, *inter alia*, a function that navigates to a web site and submits data to a host (computer) sponsoring the site using a form associated with the site, the data

including at least a request for summarized information pertinent to the user. (Claim 1). At the end of the representative claim we find the limitation under dispute:

> … and the summarized information pertinent to the user from the site, including links to or information from alternate sites not solicited by, or registered to by the user . . . .

The Examiner's rejection states, "At no point in the specification do the [Appellants] provide any support for making requests for summary data via registration forms, mainly because the registration forms do not support data requests, rather they are used to allow registration to a site." (Ans. 5, bottom).

Our first observation is that the claim does not require a "registration form", only a form associated with the site. However, more definitive statements abound.

Appellants direct our attention to the specification, and quote from it (Brief 16, top):

> [I]f a user requests summary about data on one of his sites such as, perhaps, current interest rates and refinance costs at his mortgage site, the service may at its own discretion provide an additional unsolicited summary from an alternate mortgage site for comparison.

(Spec. 32, ll. 7 to 16).

We find this sufficient support for the claim limitation in question, as links and information from alternate sites are clearly disclosed. The other citations of Appellants are noted, and we find them supplemental (Brief 16 to 19, top).

Arguments with respect to the rejection of claims 1 to 17& 18 under 103(a) [R2- R4]

We consider these rejections together, as they have one common issue.

The Examiner has rejected these claims for being obvious over Light in view of Burson, either alone further in view of Jacobs or Kraft.

The Examiner relies upon Burson to teach the limitation discussed above, namely,

> … and the summarized information pertinent to the user from the site, including links to or information from alternate sites not solicited by, or registered to by the user . . . .

"Applicant argues that the PI [personal information] providers in Burson are clearly registered to previously by the user or at the least, solicited by the user." (Brief 20, bottom). We find this does not accurately reflect the teachings of Burson. The user in Burson subscribes to the system and selects the types and sources of PI (Col. 7, l. 4). The system provides the user with a list of known information suppliers and types of PI each supplies (*id.*, l. 10). If the end user is already registered with the site, it gets the information (*id.*, l. 15). But if the user is not registered, a simulated web client uses the user's information and automatically registers him without his further action (*id.*, l. 35). We find that this teaching in Burson reads on the summarized information including links to sites not solicited by or registered to the user and renders obvious the claim.

CONCLUSIONS OF LAW

Based on the findings of facts and analysis above, we conclude that the Examiner erred in rejecting claims 1 to 17 and 19 under 35 U.S.C. § 112 (paragraph 1). We also conclude that the Examiner did not err in rejecting the same claims under 35 U.S.C. § 103(a).

DECISION

We reverse the Examiner's rejection [R1] of claims 1 to 17 and 19, under 35 U.S.C. § 112, paragraph 1. We affirm the Examiner's rejections [R2 to R4] of claims 1 to 17 and 19 under 35 U.S.C. § 103(a).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

peb

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